

## ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to  
2 the Land Subdivision Ordinance by amending Section 26.11.015 to delete reference to  
3 application fees associated with administrative final plats; repealing Section 26.11.035  
4 establishing application fees associated with preliminary plats; repealing Section 26.11.055  
5 establishing application fees associated with final plats; amending Section 26.11.130 to delete  
6 reference to an application fee for a corrected final plat; adding a new section numbered  
7 26.33.010 to provide general regulations regarding application fees; adding a new section  
8 numbered 26.33.020 to establish an application fee for administrative final plats; adding a new  
9 section numbered 26.33.030 to establish an application fee for preliminary final plats; adding  
10 a new section numbered 26.33.040 to establish an application fee for final plats; adding a new  
11 section numbered 26.33.050 to establish an application fee for corrected final plats; adding  
12 a new section numbered 26.33.060 to establish an application fee to vacate a final plat;  
13 adding a new section numbered 26.33.070 to establish an application fee and notification fee  
14 for a request to amend the conditions of final plat approval; adding a new section numbered  
15 26.33.080 to provide an exception for applications filed by the City of Lincoln; adding a new  
16 section numbered 26.33.090 to establish a change of text fee; adding a new section numbered  
17 26.33.100 to establish a general fee not otherwise covered by this chapter; and repealing  
18 Sections 26.11.015 and 26.11.130 of the Lincoln Municipal Code as hitherto existing.

1 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

2 Section 1. That Section 26.11.015 of the Lincoln Municipal Code be amended

3 to read as follows:

4 **26.11.015 Administrative Plat.**

5 The Planning Director is hereby empowered to administratively approve the plat of a  
6 subdivision under the following conditions:

7 (a) No new street or private roadway is accepted or needed within the area of the  
8 new lots, except in the sole discretion of the Planning Director, private roadways which will  
9 serve only the proposed subdivision may be accepted within industrial or commercial districts  
10 when the director is satisfied that public streets are not desirable or necessary, every lot fronts  
11 upon and takes access to the private roadway or public street, adequate internal circulation  
12 exists, city design standards for private roadways are met, and provisions have been made for  
13 the proper and continuous maintenance of the roadway in accordance with the provisions of  
14 this title.

15 (b) Required easements for utilities, drainage, and any other improvement as found  
16 in this title shall be provided. If proper provisions for any required utility, drainage, and any  
17 other improvement as found in this title cannot be made, the administrative plat shall be disap-  
18 proved.

19 (c) The Planning Director may require the posting of bonds or an escrow or security  
20 agreement approved by the city attorney in an amount sufficient to guarantee the installation  
21 of required improvements as found in this title. Said improvements shall be completed within  
22 the same time limits as allowed for plats requiring council approval.

1 (d) The subdivider shall submit such information as set forth in Sections 26.15.015,  
2 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning Director.

3 (e) Where individual water or wastewater systems are proposed to serve any of the  
4 proposed lots, the Health Department must approve the system, and all plans and information  
5 required by the Health Department shall be provided by the subdivider.

6 (f) (1) Prior to the approval of the administrative plat, the subdivider shall  
7 provide a statement from the County Treasurer's office showing there are no tax liens against  
8 said land within the proposed subdivision or any part thereof. The subdivider shall also pro-  
9 vide a statement from the City Treasurer's office showing that all special assessment  
10 installment payments are current as applied to said proposed subdivision or any part thereof.  
11 All taxes shall be paid in full on all real property dedicated to a public use.

12 (2) In the event of any proposed dedication for public use, a certificate of  
13 title or a title opinion issued to or for the benefit and protection of the city showing all parties  
14 whose consent is necessary to pass clear title for the land being subdivided and dedicated,  
15 together with the nature of their interests therein, shall be furnished. Such proof of title shall  
16 be in a form acceptable to the City Attorney. Any subsequent change affecting ownership of  
17 the proposed subdivision or any part thereof shall be made only upon the prompt notification  
18 and certification to the city of said change in ownership. The city shall assume no  
19 responsibility for any title problem with said proposed subdivision or any part thereof, and ap-  
20 proval of said subdivision shall not be construed as approval of the title of the proposed  
21 subdivision or any part thereof.

1 (g) The administrative plat shall be in accordance with the comprehensive plan  
2 except that there shall be no dedication of land required for street right-of-way purposes under  
3 the following conditions:

4 (1) The land involved in the administrative plat has previously been  
5 subdivided or platted in accordance with the then applicable subdivision ordinances and  
6 procedures of the city.

7 (2) The maximum lot size for any one lot created by the proposed  
8 administrative plat does not exceed 15,000 square feet.

9 (h) The administrative plat shall be in accordance with all the development  
10 standards of this title, except that a lot may have a maximum depth of five times its width  
11 under the following conditions:

12 (1) The land involved in the administrative plat is zoned O-1, O-2, O-3, B-1,  
13 B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts;

14 (2) The minimum lot frontage of lots created by the proposed administrative  
15 plat is 100 feet or more.

16 ~~(i) The subdivider shall pay to the city a filing fee of \$100.00 for each ad-~~  
17 ~~ministrative plat application, plus a unit fee of \$20.00 per proposed lot. Should the subdivider~~  
18 ~~request a modification of the requirements for subdivision approval, an additional fee of~~  
19 ~~\$100.00 shall accompany the request. The land within each application shall be adjacent.~~

20 (j) The subdivider shall submit an accurately drawn plat showing the proposed lots  
21 including the length of each lot line and its angle of deflection. Affixed to the plat shall be a

1 certificate signed by a registered land surveyor certifying that each proposed lot has been accu-  
2 rately surveyed and that each lot corner has been well and accurately staked and marked.

3 (k j) The form of the administrative plat shall be as provided in Chapter 26.19 except  
4 the approval certificate will be signed by the Planning Director and certification by Planning  
5 Commission and City Clerk will not be required.

6 († k) All land within the limits of a proposed administrative plat outside of, but  
7 adjoining or contiguous to, the corporate limits of the city must first be annexed by the council  
8 prior to approval of such administrative plat if all the land lies within the future urban area as  
9 defined and delineated in the Lincoln-Lancaster County Comprehensive Plan.

10 Section 2. That Section 26.11.035 of the Lincoln Municipal Code be and the  
11 same is hereby repealed.

12 **~~26.11.035 Preliminary Plat Fee.~~**

13 ~~— The following fees to the city shall accompany the filing of the preliminary plat:~~

14 ~~— (a) Filing fee of \$400.00;~~

15 ~~— (b) Unit fee of \$40.00 per lot to a maximum unit fee of \$2,000.00;~~

16 ~~— (c) Notification fee of \$100.00.~~

17 Section 3. That Section 26.11.055 of the Lincoln Municipal Code be and the  
18 same is hereby repealed.

19 **~~26.11.055 Final Plat Fee.~~**

20 ~~— At the time of filing the final plat for processing, the subdivider shall pay the following~~  
21 ~~fees:~~

22 ~~— (a) Filing fee of \$100.00;~~

23 ~~— (b) Unit fee of \$10.00 per lot to a maximum unit fee of \$1,000.00.~~

1                   Section 4. That Section 26.11.130 of the Lincoln Municipal Code be amended  
2 to read as follows:

3       **26.11.130    Survey Errors.**

4                   In the event that a survey error is found at any time after the filing of the final plat with  
5 the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter,  
6 the subdivider shall immediately proceed to cause the survey error to be corrected. Building  
7 permits on any or all of the lots within the subdivision may be withheld and the city may take  
8 such other action it deems appropriate to obtain the correction of the survey error. The  
9 subdivider shall submit to the Planning Director a corrected final plat, and an explanation  
10 letter setting forth the corrections. ~~and a fee of \$100.00,~~ The Planning Director shall  
11 transmit the corrected final plat and the letter of explanation to the Director of Public Works  
12 and Utilities. The Director of Public Works and Utilities shall review and return comments  
13 to the Planning Director. Thereafter, a copy of the corrected plat, the letter of explanation, the  
14 report of the Director of Public Works and Utilities, and the recommendation of the Planning  
15 Director shall be transmitted to the Law Department and the City Clerk. The Law Department  
16 shall prepare a resolution approving and accepting the corrected final plat and voiding the plat  
17 with the survey error. The Commission may then approve and accept the corrected final plat.  
18 After such approval, the City Clerk shall then file the resolution approving and accepting the  
19 corrected final plat and the approved and corrected final plat in the office of the Register of  
20 Deeds. The recording fee shall be paid in advance by the subdivider and submitted to the City  
21 Clerk. The name of the corrected final plat shall be "A corrected plat of (the name of the said

subdivision)." The word "replat" shall not be used. The corrected plat shall comply with Chapter 26.19, this code, and the conditions of the original plat as approved by the City.

Section 5. That Title 26 of the Lincoln Municipal Code be amended by adding a new section numbered 26.33.010 to read as follows:

**26.33.010 General Regulations.**

The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the City Council or other appropriate authority.

Section 6. That Title 26 of the Lincoln Municipal Code be amended by adding a new section numbered 26.33.020 to read as follows:

**26.33.020 Administrative Final Plat Fee.**

The following fees shall be charged at the time of filing an application for an administrative final plat:

- (a) Filing fee of \$100.00;
- (b) Unit fee of \$20.00 per lot;
- (c) Notification fee of \$100.00 if the subdivider is also requesting a modification of the requirements for subdivision approval.

Section 7. That Title 26 of the Lincoln Municipal Code be amended by adding a new section numbered 26.33.030 to read as follows:

**26.33.030 Preliminary Plat Fee.**

The following fees shall be charged at the time of filing an application for a preliminary final plat:

1           (a)     Filing fee of \$400.00;

2           (b)     Unit fee of \$40.00 per lot to a maximum unit fee of \$2,000.00;

3           (c)     Notification fee of \$100.00.

4                     Section 7. That Title 26 of the Lincoln Municipal Code be amended by adding  
5 a new section numbered 26.33.040 to read as follows:

6     **26.33.040     Final Plat Fee.**

7           The following fees shall be charged at the time of filing an application for a final plat:

8           (a)     Filing fee of \$100.00;

9           (b)     Unit fee of \$10.00 per lot to a maximum unit fee of \$1,000.00;

10           (c)     Notification fee of \$100.00 if the subdivider is also requesting a waiver or  
11 modification of the requirements for subdivision approval.

12                     Section 8. That Title 26 of the Lincoln Municipal Code be amended by adding  
13 a new section numbered 26.33.050 to read as follows:

14     **26.33.050     Corrected Final Plat Fee.**

15           A filing fee of \$100.00 shall be charged at the time of filing an application for a  
16 corrected final plat.

17                     Section 9. That Title 26 of the Lincoln Municipal Code be amended by adding  
18 a new section numbered 26.33.060 to read as follows:

19     **26.33.060     Vacated Final Plat Fee.**

20           The following fees shall be charged at the time of filing an application to vacate a final  
21 plat:

22           (a)     Filing fee of \$100.00;



1           (b)     Notification fee of \$100.00.

2                     Section 10. That Title 26 of the Lincoln Municipal Code be amended by adding  
3 a new section numbered 26.33.070 to read as follows:

4     **26.33.070     Request to Amend the Conditions of an Approved Final Plat; Fee.**

5                     The following fees shall be charged at the time of filing an application for a request to  
6 amend the conditions of approval for an approved final plat:

7           (a)     Filing fee of \$100.00;

8           (b)     Notification fee of \$100.00.

9                     Section 11. That Title 26 of the Lincoln Municipal Code be amended by adding  
10 a new section numbered 26.33.080 to read as follows:

11     **26.33.080     Exemption for City Filing on Its Own Behalf.**

12                     No fee shall be required when any action is recommended by the City Council on its  
13 own motion or by any person or group officially designated to participate in the administration  
14 of this title.

15                     Section 12. That Title 26 of the Lincoln Municipal Code be amended by adding  
16 a new section numbered 26.33.090 to read as follows:

17     **26.33.090     Changes in Text; Fee.**

18                     The filing fee for an application for a change of text in Title 26 of the Lincoln Municipal  
19 Code shall be \$195.00.

20                     Section 13. That Title 26 of the Lincoln Municipal Code be amended by adding  
21 a new section numbered 26.33.100 to read as follows:

1       **26.33.100    General Fees.**

2               The filing fee for an application in connection with Title 26 of the Lincoln Municipal  
3       Code not otherwise covered by this chapter shall be \$195.00.

4               Section 14. That Sections 26.33.010 through 26.33.100 be codified as Chapter  
5       26.33, titled "Fees."

6               Section 15. That Sections 26.11.015 and 26.11.130 of the Lincoln Municipal  
7       Code as hitherto existing be and the same are hereby repealed.

8               Section 16. That this ordinance shall take effect and be in force from and after  
9       its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_ day of \_\_\_\_\_, 2001:

\_\_\_\_\_  
Mayor